
ENGROSSED HOUSE BILL 1383

State of Washington

60th Legislature

2008 Regular Session

By Representatives Appleton, Campbell, Cody, Hinkle, Morrell, Walsh, Schual-Berke, Curtis, Green, Clibborn, Lantz, Moeller, Condotta, Hasegawa, Kagi and Santos

Read first time 01/18/2007. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to preventing the spread of disease in body
2 piercing practices through standard universal precautions and
3 sterilization requirements; amending RCW 5.40.050; adding new sections
4 to chapter 70.54 RCW; creating new sections; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that the
7 practices of body modification involve an invasive procedure with the
8 use of needles, single-use disposable sharps, reusable sharps,
9 instruments, and jewelry. These practices may be dangerous when
10 improperly sterilized, presenting a risk of infecting the client with
11 bloodborne pathogens including, but not limited to, HIV, hepatitis B,
12 and hepatitis C. It is in the interests of the public health, safety,
13 and welfare to establish requirements in the commercial practice of
14 body piercing in this state.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.54 RCW
16 to read as follows:

17 The definitions in this section apply throughout sections 1 and 3

1 through 5 of this act and RCW 5.40.050 unless the context clearly
2 requires otherwise.

3 (1) "Body modification" means the practice of physical cosmetic
4 body adornment including body piercing and the use of branding and
5 scarification. "Body modification" also includes the intentional
6 production of scars upon the body. "Body modification" does not
7 include any health-related procedures performed by licensed health
8 practitioners under their scope of practice.

9 (2) "Body piercing" means the process of penetrating the skin or
10 mucous membrane for the purpose of insertion of an object, including
11 jewelry, for cosmetic purposes. "Body piercing" also includes any scar
12 tissue resulting from or relating to the piercing. "Body piercing"
13 does not include any health-related procedures performed by licensed
14 health practitioners under their scope of practice.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.54 RCW
16 to read as follows:

17 The secretary of health shall adopt by rule requirements for
18 standard precautions, as recommended by the United States centers for
19 disease control and prevention, for preventing the spread of disease
20 and the sterilization of needles, single-use disposable sharps,
21 reusable sharps, instruments, and jewelry used by a person who
22 practices body modification in accordance with the standards of the
23 American national standards institute and the association for the
24 advancement of medical instrumentation for table-top steam sterilizers
25 in office sterilization.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.54 RCW
27 to read as follows:

28 (1) A person who practices body modification must comply with the
29 rules adopted by the secretary of health under section 3 of this act.

30 (2) A violation of this section is a misdemeanor.

31 **Sec. 5.** RCW 5.40.050 and 2001 c 194 s 5 are each amended to read
32 as follows:

33 A breach of a duty imposed by statute, ordinance, or administrative
34 rule shall not be considered negligence per se, but may be considered
35 by the trier of fact as evidence of negligence; however, any breach of

1 duty as provided by statute, ordinance, or administrative rule relating
2 to electrical fire safety, the use of smoke alarms, sterilization of
3 needles and instruments used in tattooing or electrology as required
4 under RCW 70.54.350, standard precautions for preventing the spread of
5 disease and sterilization of needles, single-use disposable sharps,
6 reusable sharps, instruments, and jewelry used in body modification as
7 required under section 3 of this act, or driving while under the
8 influence of intoxicating liquor or any drug, shall be considered
9 negligence per se.

10 NEW SECTION. **Sec. 6.** (1) The department of health shall conduct
11 a study of the body modification profession and make recommendations to
12 the legislature as to whether the professions should be regulated, and
13 to what extent, for the purpose of protecting the public interest under
14 the criteria set forth in RCW 18.120.030.

15 (2) The department shall submit a report detailing its finding and
16 recommendations under this section to the appropriate legislative
17 committees by January 1, 2009.

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